

FILED  
U.S. DISTRICT COURT  
DISTRICT OF MARYLAND

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

(Northern Division)

AT BALTIMORE

CHRISTIAN ALEXIS, et al.,

\*

DEPUTY

Plaintiffs,

\*

v.

Civil Action No. L02-CV-2632

\*

BOARD OF EDUCATION OF

BALTIMORE COUNTY, et al.,

\*

Defendants.

\*

\* \* \* \* \*

MOTION TO DISMISS

The Board of Education of Baltimore County ("the Board") and Joe A. Hairston, Defendants, by Leslie R. Stellman, Eric W. Gunderson, and Hodes, Ulman, Pessin & Katz, P.A., their attorneys, and pursuant to Rules 10(b) and 12(b)(6) of the Federal Rules of Civil Procedure, move for the dismissal of each and every Count of the Plaintiffs' Complaint for Declaratory and Injunctive Relief. In support of their motion, and as more fully set forth in the accompanying Memorandum, Defendants state as follows:

1. That Count I of the Plaintiffs' Complaint, in which they seek relief under the Individuals with Disabilities in Education Act, 20 U.S.C. § 1400 et seq. ("IDEA"), Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 ("Section 504"), Section 1983 of the Civil Rights Act of 1871, 42 U.S.C. § 1983 ("Section 1983"), and the Education Article of the Annotated Code of Maryland, Md. Code Ann., Educ. § 8-401 et seq. ("Maryland Special Education Law"), for the alleged failure of the Defendants to provide the Plaintiffs with a free and appropriate public education, should be dismissed, without

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12/1/02  
B. Legg  
vs. O.S.  
  
Motion Denied